

# EXHIBIT 1

1                   UNITED STATES DISTRICT COURT  
2                   EASTERN DISTRICT OF NEW YORK

3                   ----- X  
4           UNITED STATES OF AMERICA       : 08-CR-00076 (JBW)  
5           -against-                       : U.S. Courthouse  
6   : Brooklyn, New York  
7           FRANK CALI                       : Defendant               :  
8   : August 7, 2008  
9   : 10:30 a.m.  
10   : ----- X

11                   BEFORE:  
12                   HONORABLE JACK B. WEINSTEIN  
13                   United States District Judge

14                   APPEARANCES:

15           For the Government:           BENTON J. CAMPBELL, ESQUIRE  
16    United States Attorney  
17    271 Cadman Plaza East  
18    Brooklyn, New York 11201  
19    BY: JOEY LIPTON  
20    EVAN NORRIS  
21    Assistant U.S. Attorneys

22           For the Defendant:           HARLAN J. PROTASS  
23    305 Madison Avenue  
24    Suite 1301  
25    New York, New York 10165

26           Court Reporter:             RONALD E. TOLKIN, RMR  
27    Official Court Reporter  
28    225 Cadman Plaza East  
29    Brooklyn, New York 11201

30    Minutes Taken Stenographically. Transcript Produced  
31    By Computer Aided Transcription.

U.S.A. v. FRANK CALI

15

1 the conspiracy is a conspiracy. There are two different  
2 matters.

3 So to that extent it isn't double counting. It is  
4 a conspiracy to use a threat, and then it is the use of the  
5 threats under the guidelines. So it is an interesting  
6 problem. It is kind of obtuse, and you may want to take an  
7 appeal.

8 But I am not going to give you less than two points  
9 under Paragraph 143. If you can, I can change the sentence  
10 that I was going to make, but I am not inclined to do so in  
11 this case as I was in the other cases.

12 What else?

13 MR. PROTASS: Well, there is the one-point  
14 enhancement that is in the presentence report for the amount  
15 of money at issue here, Your Honor, and --

16 THE COURT: Well, that, I don't see. What's --  
17 where is the loss?

18 MR. LIPTON: There is the loss of \$13,000 that was  
19 paid pursuant to this conspiracy so that --

20 THE COURT: Paid to whom?

21 MR. LIPTON: This was paid to individuals, Leonard  
22 DiMaria, Ernest Grillo, and Nicholas Corozzo, based on the --  
23 once the cooperating witness, John Doe Number 4, got the  
24 rights to dump at the site.

25 THE COURT: This is the NASCAR?